

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of Claims:

Claim 23 is currently being cancelled.

Claims 15, 16 and 19 are currently being amended, whereby those amendments do not affect the scope of those claims.

No claims are currently being added.

This amendment and reply amends and cancels claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending and canceling the claims as set forth above, claims 1-22 are now pending in this application.

Request for Entry of After-final Amendment and Reply:

It is respectfully requested that this after-final Amendment and Reply be considered and entered, since: a) it is believed to place this application in condition for allowance without substantively amending the claims, and b) it lessens the number of issues for potential appeal by canceling a rejected claim and by overcoming the objection to certain claims.

Claim Objections:

In the Office Action, claims 15, 16 and 19 were objected to because certain terms in those claims are explicitly spelled out. By way of this amendment and reply, claims 15, 16 and 19 have been amended to address the objection to these claims.

Claim Rejections – Prior Art:

In the Office Action, claim 23 was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,674,739 to Lee et al. (“Lee”); claims 1-4, 6-7, 9, 12-14, 17

and 20 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,674,739 to Lee in view of U.S. Patent No. 6,463,044 to Seo (“Seo”); claims 5, 8, 10-11 and 18-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Seo and further in view of U.S. Patent No. 6,757,270 to Kumar et al. (“Kumar”); and claims 15-16 and 21-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of U.S. Patent Publication No. 2003/0039230 to Ostman et al. (“Ostman”). These rejections are traversed with respect to the presently pending claims under rejection, for at least the reasons given below.

In the rejection made for claim 1, the Office Action correctly recognizes that Lee does not teach a base station buffer that temporarily stores packets to be transmitted over the radio channel to said mobile station, in which the radio channel is held in the suspend state by said base station information storage section at all times when said base station buffer is empty. However, the Office Action incorrectly asserts that Seo teaches those features.

In particular, while Seo does teach a reordering of mobile stations based on a size of transmission data stored in a base station buffer, Seo performs ordering by ranking mobile stations with the smallest to the largest transmission data in the base station buffer queue. This means that mobile stations with only a small amount of transmission data have higher priority than mobile stations with a large amount of transmission data, as described in column 4, lines 47-54 of Seo, and thus it teaches away from the features recited in claim 1 (since a mobile station having a very small amount of data stored in the base station buffer queue would be given a high priority and thus would not have its radio channel held in a suspend state; rather, a mobile station having a very large amount of data stored in the base station buffer queue would be given a low priority and would have its radio channel held in the suspend state for a period of time).

Note also that Seo only performs his mobile station inactivation when the base station is in an overloaded status, as described in column 4, lines 16-18, whereby it is presumed that when Seo’s base station is not overloaded, it will not perform the mobile station ranking procedure as described in that reference. In the presently pending claims, on the other hand, the suspending of radio channel is performed irrespective as to a current state of a base station.

Accordingly, presently pending independent claim 1, which sets a radio channel for a mobile station to a suspend station when the base station buffer is empty, is patentable over the combined teachings of Lee and Seo.

Presently pending independent claims 14, 17 and 20 recite similar features to those discussed above with respect to claim 1, and thus those claims are also patentable over the combined teachings of Lee and Seo.

With respect to dependent claims 21 and 22, those claims recite that transmission/reception state update information is transmitted over a High-Speed Shared Control Channel. The Office Action relies on paragraph 0009 of Ostman for allegedly teaching these features. Rather, while paragraph 0009 of Ostman describes that data such as power control commands, transport format information and dedicated pilot symbols are transmitted on a Dedicated Physical Channel, this says nothing about what is transmitted over a Shared Control Channel. Note the description on the first sentence of paragraph 0009 of Ostman, which clearly indicates that the Shared Channel (e.g., HS-DSCH) is separate and distinct from the Dedicated Channel (e.g., DCH).

Accordingly, since Ostman says nothing about having transmission/reception state update information is transmitted over a High-Speed **Shared** Control Channel, claims 21 and 22 are patentable over the cited art of record for these additional reasons.

Conclusion:

Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicants believe that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date September 19, 2006

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5407
Facsimile: (202) 672-5399

By 

David A. Blumenthal
Registration No. 26,257

Phillip J. Articola
Registration No. 38,819